

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-4, and 6-13 are pending in the present application. Claims 1 and 6 are amended and Claims 12-13 are new. Support for the changes to the claims is found in at least Figs. 20-22. Therefore, it is respectfully submitted no new matter has been added.

In the outstanding Office Action, Claims 1, 3, 4, 6 and 8-11 were rejected under 35 U.S.C. §103(a) as unpatentable over JP 2000-05973 (Okose) in view of U.S. Pat. No. 7,386,218 (Temple); and Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over Okose in view of Temple and further in view of JP 2001-092575 (Yoshikawa).

Amended Claim 1 recites, *inter alia*:

information acquisition means for acquiring relative time information of said content data from said content data acquired by said content data acquisition means, ***said relative time information including a recording start time of a first portion of the content data and a recording start time of a second portion of the content data, which is subsequent to the first portion and is discontinuous with the first portion;***

generation means for generating a menu of said content data acquired by said content data acquisition means based on said relative time information and a predetermined time information including a predetermined time period, said generation means ***generating a menu entry for the first portion***, and said generation means ***generating a menu entry for the second portion based upon a determination that a time period between the recording start time of the second portion and the recording start time of the first portion is at least said predetermined time period;***

[Emphasis added].

As emphasized above in amended Claim 1, the relative time information includes a recording start time of a first portion and a recording start time of a second portion (which is both subsequent to the first portion and discontinuous with the second portion). A menu entry is generated for the first portion, and a menu entry is generated for the second portion based upon a determination that a time period between the recording start times of the first and second portions is at least a predetermined time period. It is respectfully submitted the

asserted combination of Okose and Temple fails to disclose or suggest the above-noted features of Claim 1.

In particular, Temple describes two modes for creating chapter breaks in a static menu, a fast mode 34 and a quality mode 36, which differs from the fast mode 34 by including thumbnails in the static menu. The static menu is creating using one of a DV timestamp 42 option or a delta-T 44 option.

For the DV timestamp 42 option, absolute time information is included along with recorded video. In this option, “when video is recorded in discontinuous time segments, the gap in the time information can be used to determine the [] chapter points.”¹ Accordingly, ***the timestamp 42 option creates a chapter point at each discontinuity*** (i.e., when, in absolute time, an end time of a first portion differs from a start time of a second portion subsequent to the first portion). Therefore, ***a chapter point is created for each discontinuous time segment in the DV timestamp 42 option.***

For the delta-T 44 option, a chapter break is created upon the expiration of a time interval. When a chapter point is created, the time interval is started over again for use in creating a next chapter break.² Therefore, ***regardless of discontinuities in content data, the delta-T 44 option creates a chapter point at specific time intervals.***

On the other hand, as illustrated in Figs. 20-22, the claimed invention provides functionality not included in either of the options provided by Temple. In particular, in a non-limiting example and in accordance with Fig. 20, a predetermined time period of 10 minutes is used. In the example shown in Fig. 20, there are seven subsequent portions A, B, C, D, E, F and G, which are discontinuous with one another and have start times of 10:00, 10:10, 10:35, 10:39, 10:42, 11:30 and 12:00, respectively. With reference to Claim 1, a menu entry is generated based upon a determination that a time period between start times of first

¹ Temple, column 4, lines 15 to 17.

² Temple, column 4, lines 5 to 10.

and second portions is at least the predetermined time period. Accordingly, in chapter menu 221-1, a menu entry is generated for portions A, B, C, F and G because B starts at least 10 minutes after A starts, C starts at least 10 minutes after B starts, F starts at least 10 minutes after C starts, and G starts at least 10 minutes after F starts. For portions D and E, however, the start times for portions D and E are not at least 10 minutes after C starts, and thus a menu entry is not generated for either of portions D and E.

It should be appreciated that aspects of the above exemplary description are included in new Claims 12 and 13.

For the sake of comparison, given the options described in Temple in view of the example depicted in Fig. 20, the DV timestamp option 42 would result in a menu entry being generated for each of portions A to G. For the delta-T option 44 (and using a time period of 10 minutes as asserted on page 7 of the Office Action), the time information shown in Fig. 20 would be ignored. Instead, delta-T option 44 would process the portions A to G as a single concatenated continuous content, and every 10 minutes a menu entry would be generated. In particular, a menu entry would be generated at the start of A, two menu entries would be generated in the middle of B, etc.

None of the other cited references overcome the above-noted deficiencies in Temple. Therefore, it is respectfully submitted Claim 1 is allowable over the cited references. Should the Examiner disagree, then the Examiner is encouraged to contact the undersigned to discuss alternative claim language to overcome the rejection in view of Temple or any other cited reference.

Although directed at a different statutory class and varying in scope, Claim 6 recites features which are allowable over the cited references for substantially the same reasons as noted above regarding Claim 1. Accordingly, withdrawal of the rejections of Claims 1 and 6 (and any claim depending therefrom) is respectfully requested.

Consequently, in view of the foregoing amendment and remarks, Applicant respectfully submits that this application is in condition for allowance, and such action is respectfully requested at an early date.


Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

James R. Love
Registration No. 58,421

Marc A. Robinson
Registration No. 59,276